

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Squires Brothers, Inc.,

Plaintiff,

vs.

Cheminova, Inc. and Southern States
Cooperative, Inc.,

Defendants.

Case No.: 4:12-cv-03341-RBH

**CONSENT MOTION TO DISMISS
DEFENDANT SOUTHERN STATES
and FOR CONSOLIDATION WITH CASE
NO.: 4:12-cv-03330-RBH**

The parties in this matter have agreed to certain stipulations and hereby move for the dismissal of Defendant Southern States Cooperative, Inc. (“Southern States”), without prejudice, and, in conjunction therewith, for the consolidation of this matter with Case No.: 4:12-cv-03330-RBH entitled *Dwight Stevens, Toni Stevens and Blake Stevens vs. Southern States Cooperative, Inc.*, which is also currently pending in this jurisdiction.¹

The parties make these motions in reliance upon the following stipulations to which all counsel have agreed:

- 1) Cheminova, Inc. (“Cheminova”) will not assert that Southern States bears any fault or liability in this matter in any way which reduces the fault or liability, if any, of Cheminova;
- 2) Cheminova will not seek to enforce, as against Plaintiff, any currently-existing arbitration provisions which could possibly be applicable to the Plaintiff’s claims;
- 3) Plaintiff will amend its complaint to remove the claims against Southern States.

¹ By separate motion, the parties in the *Stevens* matter, along with counsel for Cheminova, are moving to substitute Cheminova for Southern States in that suit.

4) Southern States will dismiss its cross-claims against Cheminova, as set forth in its Amended Answer and Cross-Claim filed on December 31, 2012.

THEREFORE, the parties request that the Court enter an Order dismissing Defendant Southern States Cooperative, Inc., without prejudice, dismissing Defendant Southern States Cooperative, Inc.'s cross-claims against Cheminova, Inc. in its entirety, without prejudice, and for the consolidation of this matter with Case No.: 4:12-cv-03330-RBH entitled *Dwight Stevens, Toni Stevens and Blake Stevens vs. Southern States Cooperative, Inc.*.

ROGERS TOWNSEND & THOMAS, PC

A handwritten signature in black ink, appearing to read "Roy Shelley".

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